

# Agenda

## Item #2

To: Governor John E. Baldacci  
Legislative Leaders  
Members of the Joint Standing Committee on Legal and Veterans Affairs  
Members of the Joint Standing Committee on Appropriations and Financial  
Affairs

From: Jonathan Wayne, Executive Director

Date: November \_\_, 2009

Re: Report on the Sufficiency of the Maine Clean Election Fund

---

Thank you for your attention to the funding and administration of the Maine Clean Election Act (MCEA). This memo is to provide you with a report on the sufficiency of the Maine Clean Election (MCE) Fund for the 2010 elections, pursuant to 21-A M.R.S.A. § 1124(3).

The Commission is hopeful that there will be sufficient revenues in the Fund to administer the Maine Clean Election Act program in the 2010 elections. Nevertheless, there is a significant possibility that there could be a shortfall due to past legislative deappropriations from the Fund, as shown on the attached chart. The uncertainty results from the unknown number of gubernatorial candidates who will participate in the MCEA program in the 2010 primary and general elections.

The Commission will have a much better estimate of the potential shortfall after events in April and June 2010:

- All gubernatorial candidates seeking MCEA funding (including independents) must submit their qualifying paperwork by April 1, 2010. The Commission will review their applications for public funds, and will know shortly afterward how many gubernatorial candidates have qualified to receive MCEA funding in 2010.
- The other important variable will be the number of gubernatorial candidates who win their primary elections on June 8, 2010. This will determine how many gubernatorial candidates (if any) will be receiving MCEA funds for the 2010 general election.

## **Current Cash Balance in the Fund**

There is currently a cash balance of around \$3,395,327 in the MCE Fund. During fiscal years 2010 and 2011, the largest sources of revenue to the Fund will be:

- the annual transfer of \$2,000,000 from the General Fund for fiscal year 2010 that will occur on or before January 1, 2010 (21-A M.R.S.A. § 1124(2)(B)),
- a one-time transfer of \$2,000,000 from the General Fund provided for in the budget bill enacted earlier this year (P.L. 2009, Ch. 213, Part F-1) that will occur on or before June 1, 2010, and
- the annual transfer of \$2,000,000 from the General Fund for fiscal year 2011 that will occur four months early on or before September 1, 2010. (P.L. 2009, Ch. 213, Part F-1)

In addition, the Fund typically receives smaller amounts of revenue from the taxpayer check-off (about \$190,000 annually), qualifying contributions collected by candidates (estimated to be about \$191,500 in 2010), interest, and civil penalties.

## **Cost of MCEA Program for Legislative Candidates**

The Commission is projecting that the cost of the 2010 MCEA program for legislative candidates will be \$3,504,806. In case the actual cost exceeds this projection, the Commission will seek to have a cash balance of \$300,000 in the MCE Fund in the final weeks before the November 2, 2010 general election, as discussed below.

## **Cost of MCEA Program for Gubernatorial Candidates**

At this time, seven gubernatorial candidates have declared an intention to qualify for MCEA funding:

Donna Dion (Democratic)  
Alex Hammer (Independent)  
Sen. Peter Mills (Republican)  
Sen. Elizabeth Mitchell (Democratic)  
Patrick Quinlan (Green)  
John Whitcomb (Independent)  
Lynne Williams (Green)

The Commission staff expects that one to three more gubernatorial candidates *may* attempt to qualify for MCEA funding.

Some of these declared candidates will not qualify. In 2007 and 2009, the Legislature made qualifying for MCEA funding as a gubernatorial candidate substantially more difficult. In order to receive MCEA funding, a gubernatorial candidate must

- collect \$40,000 in seed money contributions from registered Maine voters, in amounts of up to \$100 per contributor,
- raise 3,250 qualifying contributions of \$5 or more to the MCE Fund,
- qualify for the ballot by collecting 2,000 signatures on petitions (for party candidates) or 4,000 signatures on petitions (for independent candidates).

In order to project the cost of the gubernatorial portion of the MCEA program, the Commission has considered four different scenarios. The costs of these Scenarios A to D are shown on the attached a chart entitled “Four Cost Scenarios for 2010 MCEA Gubernatorial Candidates.”

### **Amount of Possible Shortfall**

Also attached to this memo is a chart of the different cash balances in the MCE Fund at the end of each month during fiscal years 2010 and 2011, in each of the four scenarios. The cash balance at the end of October 2010 (highlighted in gray) shows the cash balance in the MCE Fund just before the November 2, 2010 election.

In Scenarios A and B, there *would* be adequate money in the Fund to make MCEA payments to legislative and gubernatorial candidates (*i.e.*, no shortfall). In Scenarios C and D, there would be *insufficient* money in the Fund to make full MCEA payments to candidates who are participating in the program.

In Scenario C, the Commission projects that on October 31, 2010, the MCE Fund would have a negative cash balance of - \$283,180. In this scenario, the Commission would reduce the cost of the MCEA program by \$583,000 in order to achieve a \$300,000 margin of safety in case the legislative portion of the program exceeded the Commission’s projections.

In Scenario D, the Commission projects that on October 31, 2010, the MCE Fund would have a negative cash balance of - \$1,490,457. In this scenario, the Commission would reduce the cost of the MCEA program by roughly \$1,790,000 to achieve a margin of \$300,000.

### **Procedures in Case of a Shortfall**

If the Commission anticipates in 2010 that there would be a shortfall in the MCE Fund, the Commission will reduce the amounts of MCEA payments to candidates and authorize them to cover the reduction in funding through raising campaign contributions. The procedures for this fundraising would be governed by 21-A M.R.S.A. § 1125(13) and Chapter 3, Section 4(4) of the Commission’s Rules. The Commission is updating its rule in 2009 to provide better guidance for candidates about the procedures that would be employed in 2010 if the MCE Fund had insufficient funds.

### **Legislation in the 2009 Session**

At the present time, the Commission is not intending to propose legislation requesting a transfer of money to the MCE Fund because of the serious fiscal challenges to the state in the current fiscal biennium. Also, in Resolve Chapter 128 (attached), the Legislature directed the Commission to adopt rules for reducing MCEA payments to candidates in case of a shortfall in the MCE Fund and authorizing them to accept campaign contributions. This direction indicated a legislative intention that the MCEA program must live within current revenues.

Thank you for your consideration of this report.

**Four Cost Scenarios for 2010 MCEA Gubernatorial Candidates**  
**(Traditional Candidates Not Shown)**

	<b>Primary Election Initial Payment</b>	<b>Primary Election Matching Funds</b>	<b>General Election Initial Payment</b>	<b>General Election Matching Funds</b>	<b>Total for Candidate</b>
--	-----------------------------------------------------	----------------------------------------------------	-----------------------------------------------------	----------------------------------------------------	--------------------------------

**Scenario A - 3 in primary, 2 in general (no shortfall)**

Democrat 1	\$400,000	\$200,000	\$600,000	\$600,000	\$1,800,000
Democrat 2	\$400,000	\$200,000			\$600,000
Republican 1	\$400,000	\$200,000	\$600,000	\$600,000	\$1,800,000
<b>Total</b>	<b>\$1,200,000</b>	<b>\$600,000</b>	<b>\$1,200,000</b>	<b>\$1,200,000</b>	<b>\$4,200,000</b>

**Scenario B - 4 in primary, 2 in general (no shortfall)**

Democrat 1	\$400,000	\$200,000	\$600,000	\$600,000	\$1,800,000
Democrat 2	\$400,000	\$200,000			\$600,000
Republican 1	\$400,000	\$200,000			\$600,000
Other Candidate	\$200,000		\$600,000	\$600,000	\$1,400,000
<b>Total</b>	<b>\$1,400,000</b>	<b>\$600,000</b>	<b>\$1,200,000</b>	<b>\$1,200,000</b>	<b>\$4,400,000</b>

**Scenario C - 5 in primary, 2 MCEA in general (shortfall of \$583,000)**

Democrat 1	\$400,000	\$200,000	\$600,000	\$600,000	\$1,800,000
Democrat 2	\$400,000	\$200,000			\$600,000
Democrat 3	\$400,000	\$200,000			\$600,000
Republican 1	\$400,000	\$200,000			\$600,000
Other Candidate	\$200,000		\$600,000	\$600,000	\$1,400,000
<b>Total</b>	<b>\$1,800,000</b>	<b>\$800,000</b>	<b>\$1,200,000</b>	<b>\$1,200,000</b>	<b>\$5,000,000</b>

**Scenario D - 5 in primary, 3 in general (shortfall of \$1,790,000)**

Democrat 1	\$400,000	\$200,000	\$600,000	\$600,000	\$1,800,000
Democrat 2	\$400,000	\$200,000			\$600,000
Democrat 3	\$400,000	\$200,000			\$600,000
Republican 1	\$400,000	\$200,000	\$600,000	\$600,000	\$1,800,000
Other Candidate	\$200,000		\$600,000	\$600,000	\$1,400,000
<b>Total</b>	<b>\$1,800,000</b>	<b>\$800,000</b>	<b>\$1,800,000</b>	<b>\$1,800,000</b>	<b>\$6,200,000</b>

## Cash Balances at End of Each Month in Scenarios A - D

	Scenario A	Scenario B	Scenario C	Scenario D
<b>FY 2010</b>				
Nov 09	\$3,277,907	\$3,277,907	\$3,277,907	\$3,277,907
Dec 09	\$3,242,218	\$3,242,218	\$3,242,218	\$3,242,218
Jan 10	\$5,202,971	\$5,202,971	\$5,202,971	\$5,202,971
Feb 10	\$5,174,098	\$5,174,098	\$5,174,098	\$5,174,098
Mar 10	\$5,143,400	\$5,143,400	\$5,143,400	\$5,143,400
Apr 10	\$3,096,006	\$2,896,006	\$2,296,006	\$2,296,006
May 10	\$5,059,531	\$4,858,864	\$4,256,864	\$4,256,864
Jun 10	\$1,302,210	\$1,100,852	\$496,778	-\$103,222
<b>FY 2011</b>				
Jul 10	\$1,251,117	\$1,049,088	\$443,001	-\$158,655
Aug 10	\$3,203,614	\$3,000,889	\$2,392,714	\$1,789,532
Sep 10	\$3,162,835	\$2,959,412	\$2,349,143	\$1,743,883
Oct 10	\$533,225	\$329,124	-\$283,180	-\$1,490,457
Nov 10	\$1,123,382	\$918,578	\$305,141	-\$902,136
Dec 10	\$1,075,314	\$869,827	\$254,345	-\$953,949
Jan 11	\$1,023,585	\$817,390	\$199,788	-\$1,009,382
Feb 11	\$975,297	\$768,392	\$148,663	-\$1,061,195
Mar 11	\$926,519	\$718,970	\$97,312	-\$1,113,008
Apr 11	\$874,277	\$666,013	\$42,214	-\$1,168,442
May 11	\$825,378	\$616,420	-\$9,458	-\$1,220,255
Jun 11	\$845,098	\$635,421	\$7,419	-\$1,203,378

## Projected Total Payments to 2010 Legislative Candidates (9/28/09)

	<u>2008</u>	<u>2010</u>
Primary Election Initial Distributions	\$348,347	\$375,432
Primary Election Matching Funds	\$20,509	\$30,764
General Election Initial Distributions	\$2,120,992	\$2,354,024
General Election Matching Funds (net returns)	\$464,187	\$744,586
<b>Total</b>	<b>\$2,954,036</b>	<b>\$3,504,806</b>

## Projected Initial Payments to 2010 Legislative Candidates

	<i># of 2004 Participants in Category</i>	<i># of 2006 Participants in Category</i>	<i>Actual # in 2008</i>	<i>Actual Cost in 2008</i>	<i>Projected # for 2010</i>	<i>Projected Cost for 2010</i>
<b>Initial Payments for Primary</b>						
House - Contested Candidates	41	32	31	\$44,495	36	\$54,144
House - Uncontested Candidates	207	212	209	\$105,804	220	\$112,640
<b>Total</b>	<b>248</b>	<b>244</b>	<b>240</b>	<b>\$150,298</b>	<b>256</b>	<b>\$166,784</b>
Senate - Contested Candidates	18	9	14	\$107,840	14	\$108,444
Senate - Uncontested Candidates	45	56	47	\$90,208	52	\$100,204
<b>Total</b>	<b>63</b>	<b>65</b>	<b>61</b>	<b>\$198,049</b>	<b>66</b>	<b>\$208,648</b>
<b>Total Initial Payments for Primary</b>				<b>\$348,347</b>		<b>\$375,432</b>
<b>Initial Payments for General</b>						
House - Contested - Democrats	127	136	131	\$540,162	137	\$567,728
House - Contested - Republicans	103	101	91	\$377,056	103	\$426,832
House - Contested - Greens	15	5	5	\$20,720	10	\$41,440
House - Contested - Unenrolleds	5	3	7	\$28,906	5	\$20,720
House - Uncontested	0	3	15	\$28,742	0	\$0
<b>Total</b>	<b>250</b>	<b>248</b>	<b>249</b>	<b>\$995,585</b>	<b>255</b>	<b>\$1,056,720</b>
Senate - Contested - Democrats	28	32	29	\$553,262	32	\$610,496
Senate - Contested - Republicans	26	31	27	\$515,080	30	\$572,340
Senate - Contested - Greens	1	2	2	\$37,987	3	\$57,234
Senate - Contested - Unenrolleds	2	2	1	\$19,078	3	\$57,234
Senate - Uncontested	1	0	0	\$0	0	\$0
<b>Total</b>	<b>58</b>	<b>67</b>	<b>59</b>	<b>\$1,125,407</b>	<b>68</b>	<b>\$1,297,304</b>
<b>Total Initial Payments for General</b>				<b>\$2,120,992</b>		<b>\$2,354,024</b>



## History of Transfers from Maine Clean Election Fund

<b>Transfers from Maine Clean Election Fund Totaling \$8,510,240</b>		
\$4.0 million to Maine Rainy Day Fund	P.L. 2001, Chapter 559, Part E-3 (May 2002)	Transferred on June 30, 2003
\$2.5 million to General Fund	P.L. 2001, Chapter 714, Part N-1 (Nov. 2002)	Transferred on June 30, 2003
\$225,000 to General Fund	P.L. 2003, Chapter 20, Part D-26 (June 2003)	Transferred on June 30, 2004
Reduction of \$1.3 million in revenue for FY 2009	P.L. 2007, Chapter 240, Part F (June 2007)	Reduced revenue received by January 1, 2009
\$485,240 to General Fund	P.L. 2009, Chapter 213, Part NNNN (March 2009)	Transfer of \$363,930 by June 30, 1010, and transfer of \$121,310 by June 30, 2011
<b>Returns to Maine Clean Election Fund Totaling \$5,600,000</b>		
\$2.4 million from General Fund	P.L. 2005, Chapter 3, Part P-1 (March 2005)	Returned on January 1, 2006
\$1.2 million from General Fund	P.L. 2005, Chapter 519, Part KK (April 2006)	Returned on September 30, 2006
\$2.0 million from General Fund	P.L. 2009, Chapter 213, Part F (March 2009)	Will be returned on or before June 1, 2010

**Net Transfer from Maine Clean Election Fund:**  
**\$2,910,240**  
(not including interest lost)

## **21-A MRSA §1124. THE MAINE CLEAN ELECTION FUND ESTABLISHED; SOURCES OF FUNDING**

**1. Established.** The Maine Clean Election Fund is established to finance the election campaigns of certified Maine Clean Election Act candidates running for Governor, State Senator and State Representative and to pay administrative and enforcement costs of the commission related to this Act. The fund is a special, dedicated, nonlapsing fund and any interest generated by the fund is credited to the fund. The commission shall administer the fund.

[ 1995, c. 1, §17 (NEW) .]

**2. Sources of funding.** The following must be deposited in the fund:

A. The qualifying contributions required under section 1125 when those contributions are submitted to the commission; [1995, c. 1, §17 (NEW) .]

B. Two million dollars of the revenues from the taxes imposed under Title 36, Parts 3 and 8 and credited to the General Fund, transferred to the fund by the State Controller on or before January 1st of each year, beginning January 1, 1999. These revenues must be offset in an equitable manner by an equivalent reduction within the administrative divisions of the legislative branch and executive branch agencies. This section may not affect the funds distributed to the Local Government Fund under Title 30-A, section 5681. [2007, c. 443, Pt. B, §4 (AMD) .]

C. Revenue from a tax checkoff program allowing a resident of the State who files a tax return with the State Tax Assessor to designate that \$3 be paid into the fund. If a husband and wife file a joint return, each spouse may designate that \$3 be paid. The State Tax Assessor shall report annually the amounts designated for the fund to the State Controller, who shall transfer that amount to the fund; [1999, c. 4, Pt. H, §1 (AMD) .]

D. Seed money contributions remaining unspent after a candidate has been certified as a Maine Clean Election Act candidate; [1995, c. 1, §17 (NEW) .]

E. Fund revenues that were distributed to a Maine Clean Election Act candidate and that remain unspent after the candidate has lost a primary election or after all general elections; [1995, c. 1, §17 (NEW) .]

F. Other unspent fund revenues distributed to any Maine Clean Election Act candidate who does not remain a candidate throughout a primary or general election cycle; [1995, c. 1, §17 (NEW) .]

G. Voluntary donations made directly to the fund; and [1995, c. 1, §17 (NEW) .]

H. Fines collected under section 1020-A, subsection 4 and section 1127. [1995, c. 1, §17 (NEW) .]

[ 2007, c. 443, Pt. B, §4 (AMD) .]

**3. Determination of fund amount.** If the commission determines that the fund will not have sufficient revenues to cover the likely demand for funds from the Maine Clean Election Fund in an upcoming election, by January 1st the commission shall provide a report of its projections of the balances in the Maine Clean Election Fund to the Legislature and the Governor. The commission may submit legislation to request additional funding or an advance on revenues to be transferred pursuant to subsection 2, paragraph B.

[ 2007, c. 1, §12 (COR) .]

**system, e-mail; lease-purchase authorization.** Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services, Office of Information Technology may enter into financing arrangements on or after July 1, 2008 for the acquisition of a statewide enterprise system to facilitate e-mail archiving and related activities, including software, necessary hardware and peripherals and contractual services associated with the implementation and deployment of the system. The financing arrangements may not exceed \$3,000,000 in principal costs and 5 years in duration. The interest rate may not exceed 8%, and interest costs may not exceed \$700,000. The annual principal and interest costs must be paid from the appropriate line category in the Office of Information Services account.

### PART J

**Sec. J-1. Transfer from the Maine Asthma and Lung Disease Research Fund Other Special Revenue Funds; unexpended funds.** Notwithstanding any other provision of law, the State Controller shall transfer \$14,648 in unexpended funds from the Maine Asthma and Lung Disease Research Fund Other Special Revenue Funds account within the Department of Administrative and Financial Services in fiscal year 2007-08 to General Fund unappropriated surplus.

### PART K

**Sec. K-1. Transfer; Department of Inland Fisheries and Wildlife carrying account; training reimbursement.** On or before June 30, 2008, the State Controller shall transfer \$7,200 from the Department of Inland Fisheries and Wildlife carrying account to the Enforcement Operations program for training reimbursement.

**Sec. K-2. Transfer; Department of Inland Fisheries and Wildlife carrying account; legal fees.** On or before June 30, 2008, the State Controller shall transfer \$140,000 from the Department of Inland Fisheries and Wildlife carrying account to the Office of the Commissioner program for legal fees.

**Sec. K-3. Transfer; Department of Inland Fisheries and Wildlife carrying account; management review reimbursements.** On or before June 30, 2008, the State Controller shall transfer \$45,000 from the Department of Inland Fisheries and Wildlife carrying account to the Enforcement Operations program for management review reimbursements.

**Sec. K-4. Transfer; Department of Inland Fisheries and Wildlife carrying account; retroactive pay to employees.** On or before June 30, 2008, the State Controller shall transfer \$8,565 from the Department of Inland Fisheries and Wildlife carrying account to the Public Information and Education

program and \$211,165 to the Fisheries and Hatcheries Operations program for retroactive pay to employees.

**Sec. K-5. Transfer; Department of Inland Fisheries and Wildlife carrying account; purchase of airplane engine.** On or before September 1, 2008, the State Controller shall transfer \$30,000 from the Department of Inland Fisheries and Wildlife carrying account to the Enforcement Operations program for the purchase of one airplane engine.

**Sec. K-6. Transfer; Department of Inland Fisheries and Wildlife carrying account; fisheries and hatcheries.** On or before June 30, 2008, the State Controller shall transfer \$79,000 from the Department of Inland Fisheries and Wildlife carrying account to the Fisheries and Hatcheries Operations program to cover an unanticipated shortfall in the All Other line.

**Sec. K-7. Transfer; Department of Inland Fisheries and Wildlife carrying account; enforcement operations.** On or before June 30, 2008, the State Controller shall transfer \$270,000 from the Department of Inland Fisheries and Wildlife carrying account to the Enforcement Operations program to cover an unanticipated shortfall in the All Other line.

**Sec. K-8. Publication of magazine; development of plan.** The Department of Inland Fisheries and Wildlife shall maintain publication of "Maine Fish and Wildlife Magazine" and develop a plan for the magazine to be self-supporting.

### PART L

**Sec. L-1. Transfers to Maine Clean Election Fund.** In addition to the transfers authorized pursuant to the Maine Revised Statutes, Title 21-A, section 1124, the State Controller shall transfer \$2,425,000 from General Fund undedicated revenue to the Maine Clean Election Fund on or before June 1, 2010 and shall transfer an additional \$2,000,000 from General Fund undedicated revenue to the Maine Clean Election Fund on or before August 1, 2010.

**Sec. L-2. Reduction in payments under the Maine Clean Election Fund.** Notwithstanding the procedures set forth in the Maine Revised Statutes, Title 21-A, section 1125, subsection 8, the Commission on Governmental Ethics and Election Practices shall reduce the initial payment amounts established for Maine Clean Election Act candidates in the 2008 and 2009 general election by 5%.

**Sec. L-3. Transfer of funds from Maine Clean Election Fund.** Notwithstanding any other provision of law, the State Controller shall transfer \$135,199 on or before June 30, 2008 and \$135,717 on or before June 30, 2009 from the Maine Clean Election Fund to the unappropriated surplus of the General Fund.

Sec.  
to read:

3. Sec  
State Tax  
partment  
Bureau of  
tions, refe  
all person  
State unde  
nings that  
reau shall  
the list of  
the State  
persons w  
under this  
the wimm  
intention  
The burea  
to the Stat  
tax liabili  
maintaini  
bureau

Sec.  
amended  
read:

II. T  
of the  
the qu  
and s  
sectio  
the a  
and

Sec.  
enacted by

II. 1  
of a  
force

Sec.  
enacted tr

KK.  
admi  
suant

Sec.  
by PL 20  
further an

2. R  
officials a

Supr

Supr

State

P.L. 2009, ch. 213  
LD 353  
Budget bill for  
2010, 2011

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND NINE

H.P. 274 - L.D. 353

**An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2009, June 30, 2010 and June 30, 2011**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas,** certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**PART A**

**Sec. A-1. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF  
Accident - Sickness - Health Insurance 0455**

purposes of tax under this chapter within one year of the date the return was filed or the date the return is due, whichever is later.

**Sec. E-6. Application.** Those sections of this Part that amend the Maine Revised Statutes, Title 36, section 4062, subsections 1-A, 2 and 2-A and that enact Title 36, section 4062, subsection 1-B apply to deaths occurring on or after January 1, 2009. That section of this Part that amends Title 36, section 4071, subsection 1-A applies to estates of decedents dying on or after July 1, 2009.

## **PART F**

**Sec. F-1. PL 2007, c. 539, Pt. L, §1** is amended to read:

**Sec. L-1. Transfers to Maine Clean Election Fund.** In addition to the transfers authorized pursuant to the Maine Revised Statutes, Title 21-A, section 1124, the State Controller shall transfer ~~\$2,425,000~~ \$2,000,000 from General Fund undedicated revenue to the Maine Clean Election Fund on or before June 1, 2010 and ~~shall transfer an additional \$2,000,000 from General Fund undedicated revenue to the Maine Clean Election Fund on or before August 1, 2010.~~

**Sec. F-2. Transfers to Maine Clean Election Fund.** Notwithstanding the Maine Revised Statutes, Title 21-A, section 1124, subsection 2, paragraph B, the State Controller shall transfer \$2,000,000, currently authorized to be made on or before January 1, 2011, from the General Fund to the Maine Clean Election Fund on or before September 1, 2010 in order to ensure that adequate funds will be available to the Commission on Governmental Ethics and Election Practices.

## **PART G**

**Sec. G-1. 12 MRSA §6304, sub-§2**, as amended by PL 2003, c. 20, Pt. WW, §1, is further amended to read:

**2. Duplication.** Licenses that have been lost or destroyed must be reissued at a cost of ~~\$5~~ \$6.

**Sec. G-2. 12 MRSA §6421, sub-§7-A**, as amended by PL 2007, c. 615, §9, is further amended to read:

**7-A. Fee.** Except as provided in subsection 8, the fee for the license is:

A. ~~Fifty-six~~ Sixty-five dollars for a resident Class I license for applicants under 18 years of age;

A-1. ~~Three hundred and thirty-six~~ eighty-seven dollars for a nonresident Class I license for applicants under 18 years of age;

B. ~~One hundred and thirteen~~ thirty-five dollars and seventy-five cents for a resident Class I license for applicants 18 years of age or older;

B-1. ~~Six hundred and eighty-two~~ Seven hundred ninety dollars and seventy-five cents for a nonresident Class I license for applicants 18 years of age or older;

## PART NNNN

**Sec. NNNN-1. Funding reduced for Maine Clean Election Act legislative candidates.** Notwithstanding the Maine Revised Statutes, Title 21-A, chapter 14, the amount distributed to certified legislative candidates by the Commission on Governmental Ethics and Election Practices pursuant to the Maine Clean Election Act during the 2010 election cycle must be 5% less than the amount distributed to certified candidates by the commission during the 2008 election cycle.

**Sec. NNNN-2. Funding reduced for Maine Clean Election Act gubernatorial candidates.** Notwithstanding any other provision of law, the amount distributed to certified gubernatorial candidates by the Commission on Governmental Ethics and Election Practices pursuant to the Maine Clean Election Act during the 2010 election cycle must be 5% less than the amount that would be distributed pursuant to the Maine Revised Statutes, Title 21-A, section 1125, subsection 8.

**Sec. NNNN-3. Seed money contributions.** Notwithstanding the Maine Revised Statutes, Title 21-A, section 1125, subsection 2, certified gubernatorial and legislative candidates during the 2010 election cycle may raise an additional amount of seed money to cover the 5% reduction in distributions described in sections 1 and 2. The Commission on Governmental Ethics and Election Practices shall establish rules and procedures to implement this Part. Rules adopted in accordance with this Part are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The rules must address the collection of seed money to cover the reductions in Maine Clean Election Act funding for certified candidates during the 2010 election cycle. The commission shall publish the adopted rules and procedures on its publicly accessible website and in a guidebook distributed to certified candidates.

**Sec. NNNN-4. Transfer of funds from Maine Clean Election Fund.** Notwithstanding any other provision of law, the State Controller shall transfer \$363,930 on or before June 30, 2010 and \$121,310 on or before June 30, 2011 from the Maine Clean Election Fund, Other Special Revenue Funds account to the unappropriated surplus of the General Fund.

## PART OOOO

**Sec. OOOO-1. 20-A MRSA §1512, sub-§6, as amended by PL 2007, c. 668, §25, is further amended to read:**

**6. Multiple municipalities.** If a school proposed for closure is a school that serves students from more than one municipality, the article set forth in subsection 1 must be submitted to the voters in each of the municipalities that sent all students from that municipality to the school. ~~If the article is approved by a majority of the voters in each of the municipalities~~ vote to keep the school open, the school is not closed and the municipalities share in the costs under this section in the same proportion as they share the current operating costs of the school.

PLEASE NOTE: The Office of the Revisor of Statutes **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

**Resolve**  
**124th Legislature**  
**First Regular Session**

**Chapter 128**  
**S.P. 345 - L.D. 923**

**Resolve, To Reduce Funding to Maine Clean Election Act Candidates**

**Sec. 1 Funding reduced for Maine Clean Election Act candidates. Resolved:** That, notwithstanding the Maine Revised Statutes, Title 21-A, chapter 14 and Public Law 2009, chapter 213, Part NNNN, the amount distributed to certified candidates for the Legislature by the Commission on Governmental Ethics and Election Practices pursuant to the Maine Clean Election Act during the 2010 election cycle must be equal to the amount distributed to certified candidates for the Legislature by the commission during the 2008 election cycle; and be it further

**Sec. 2 Distributions to certified candidates; rules. Resolved:** That, notwithstanding Public Law 2009, chapter 213, Part NNNN, sections 1 to 3, the Commission on Governmental Ethics and Election Practices shall distribute Maine Clean Election Act funds to certified legislative candidates in accordance with section 1 and to gubernatorial candidates in accordance with the Maine Revised Statutes, Title 21-A, section 1125. The commission shall also establish rules to implement Title 21-A, section 1125, subsection 13. The rules must set forth procedures for certified Maine Clean Election Act candidates to accept and spend contributions if the commission determines that revenues in the Maine Clean Election Fund are insufficient to make distributions to certified candidates. Rules adopted in accordance with this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The commission shall publish the adopted rules on its publicly accessible website and in a guidebook distributed to certified candidates. The commission shall report back to the Joint Standing Committee on Legal and Veterans Affairs by February 15, 2010 on how the distributions provided by Title 21-A, chapter 14 are to be made; and be it further

**Sec. 3 Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**ETHICS AND ELECTION PRACTICES, COMMISSION ON GOVERNMENTAL**

**Governmental Ethics and Election Practices - Commission on 0414**

Initiative: Reduces funding for Maine Clean Election Act candidates.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	(\$353,000)	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$353,000)</b>	<b>\$0</b>